

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION**

) 11-md-02293 (DLC)
) ECF Case

THE STATE OF TEXAS; et al.,

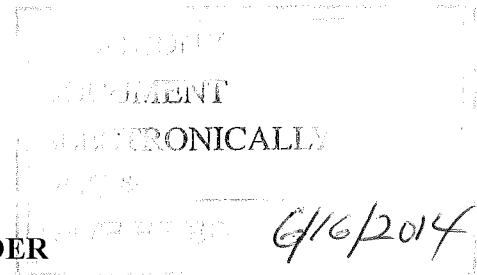
Plaintiffs,

v.

PENGUIN GROUP (USA) INC.; et al.,

Defendants.

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)
) Civil Action No. 12-cv-03394 (DLC)
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~~PROPOSED~~ ORDER

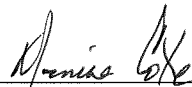
The parties having advised the Court that they have reached an agreement in principle resolving all claims in the Consolidated Class Action (11-md-02293) and resolving all claims for monetary relief in the State Action (12-cv-03394), and submitted for filing under seal a memorandum of understanding setting forth that agreement, the Court Orders as follows:

- 1) The Court's Scheduling Order of June 3, 2014, as amended by the Scheduling Order of June 16, 2014, is VACATED and the parties are to suspend dissemination to eligible consumers of notice of litigation.
- 2) Plaintiffs shall, on or before July 16, 2014, file a motion for preliminary approval of the settlement, attaching a copy of the settlement agreement.
- 3) Apple's pending motions for reconsideration (ECF No. 606 in 11-md-02293) and to certify interlocutory appeal (ECF No. 506 in 12-cv-03394), and Class Plaintiffs' pending motion

for summary judgment (ECF No. 521 in 11-md-02293) shall be held in abeyance and, upon the Court's approval of the parties' settlement in a final order, be deemed withdrawn.

SO ORDERED.

Dated: June/6, 2014.



Hon. Denise Cote
United States District Judge